
INDUSTRIAL HEMP IN WISCONSIN: PILOT PROGRAM

WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION



Industrial hemp
represents an
exciting
opportunity for
Wisconsin.



WISCONSIN LAW: 2017 ACT 100

- “...a person may plant, grow, cultivate, harvest, sample, test, process, transport, transfer, take possession of, sell, import and export industrial hemp to the greatest extent allowed under federal law.”
- Directs DATCP to write rules to regulate these activities “...to the extent required under federal law, and in a manner that allows the people of this state to have the greatest possible opportunity to engage in those activities.”



FEDERAL LAW

- 2014 Farm Bill authorized industrial hemp pilot programs in state department of agricultures and institutions of higher education.
- There are conflicting federal laws, various interpretations of federal laws and active lawsuits related to interstate movement of hemp and legal hemp products.
- Participating in DATCP's Industrial Hemp Research and Pilot Program is not without risk.



EMERGENCY RULES

- Temporary; meets an immediate need.
- Did not provide for formal public hearings.
- Carry the force of law.
- **Effective March 2 & expires no later than July 1, 2020.**
- The permanent rule may have changes from the emergency rule and may include some things the emergency rule does not cover.





The emergency rule will be published on March 2. We will begin accepting license applications at that time.



This is a
research pilot program

That means growers and processors will be part of a research project and will have requirements, including record-keeping and reporting.



GROWER LICENSE & REGISTRATION

- Apply for a **lifetime license** and an **annual registration**.
- Pass a **background check**.
- Provide **field locations** and **GPS coordinates**.
- Provide **research summary**.
- Submit **signed research agreement, application, and fees**.
- **Sampling and testing fees** will be invoiced.



PROCESSOR LICENSE & REGISTRATION

- Apply for a **lifetime license** and an **annual registration**.
- Pass a **background check**.
- Provide **processing locations** and **GPS coordinates**.
- Provide **research summary**.
- Submit **signed research agreement, application, and fees**.



REQUIRED FEES

- **One-time grower license fee** of \$150 (0-30 acres) or \$5/acre planted (31-199 acres) or \$1000 (over 200 acres).
- Annual **registration fees**:
 - \$350 per grower
 - \$100 per processor
- **Sampling and testing** fees invoiced (\$250 per sample/test).
- License **modification** fee of \$50 per change.
- **Can add acres to license** in future at \$5/acre up to \$850



NO LIMITS ON LICENSES OR ACREAGE

There will be no limits on the number of licenses issued or the number of acres registered. If your application meets the requirements, a license will be granted.

RECORDKEEPING AND REPORTING

- **Recordkeeping** for 3 years
- Growers: **Planting Report** by July 1
- Growers: **Final Production Report** by December 15
- Processors: **Final Report** by December 15



Failure to submit required reports may result in license suspension



SAMPLING AND TESTING

- Each field and plant variety shall be sampled and tested by DATCP.
- Each field and plant variety must test below 0.3% THC.
- One re-test per failed field or plant variety is allowed.
- Must destroy crops for any fields and plant varieties that fail both the initial test and the re-test.
- \$250 per sample/test will be invoiced.



FIT FOR COMMERCE CERTIFICATE

- DATCP will provide a **Fit for Commerce Certificate** for each field and plant variety with a successful test.
- A Fit for Commerce Certificate must accompany any industrial hemp leaving the registered field or facility.
- A transporter must have a copy of the license of the person who owns the industrial hemp and a Fit for Commerce Certificate(s) in its possession.
- Processors accepting industrial hemp from growers in other states with pilot program must have similar documentation.



DEADLINES

Don't Miss the



- **May 1** for license & registration for 2018
- **July 1** for planting report
- **December 15** for final reports

Moving forward....

December 31, 2018 to register for the 2019 growing season



SEED

- DATCP has applied to the DEA for seed importer registration, but has not received approval at this time.
- If you plan to plant hemp in 2018, you will need to secure seed/clones independently.
- DATCP ***highly recommends*** that you plant certified seed.
 - More likely to produce a compliant hemp crop.
 - Legal protections against state prosecution.
 - Markets are demanding hemp grown from certified seed.



PRIVACY

Under the statute:

- You will need to provide **GPS coordinates** for your fields, and we will provide these to local law enforcement.
- You must allow **access to your fields** for inspections and sampling.
- We must do a **background check** on you.
- We are **prohibited** from releasing a list of growers and processors.



MARKETS

- When you plant a hemp crop, you are committing to either harvest and process/sell it, store it or use it on site, or destroy it at the end of the season.
- If you intend to grow in 2018, and want to sell your crop, you should be finding a market for your product now.
- The emergency rule does not permit or prohibit any specific markets or end products.
- Other state and federal laws may apply. You are responsible for knowing and following all applicable laws.



AGRONOMY

- There are **no registered pesticides**
 - If you are growing industrial hemp for food purposes or human consumption in any way, there are NO pesticide tolerances.
 - 25(b) minimum risk pesticides listed in VI are allowed.
- Include your hemp acreage in your **nutrient management** plan. SnapPlus is being revised.
- Harvesting may require **different or modified equipment.**



REMEMBER...

- DATCP's role is regulatory.
- We are not experts in how to grow, harvest or market industrial hemp.
- Consult other state programs that are more developed and talk to growers and processors from other states to see what they have learned.



TO STAY UP TO DATE

<https://datcp.wi.gov> and search “Hemp”

DATCPIndustrialhemp@wi.gov

608-224-4500

Go to the website to subscribe to receive email updates.

On **March 2**, we **WILL post a link** to application materials.

If you’ve signed up for our email list, we will **send an email** to let you know that you can apply for a license.

